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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re JOEY C., a Person Coming
Under the Juvenile Court Law.

B305500

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct.
No. 19CCJP03636A)

Plaintiff and Respondent,

v.

ANDREA G.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Sabina A. Helton, Judge. Affirmed.

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kim Nemoy, Assistant County Counsel, and Melania Vartanian, Deputy County Counsel, for Plaintiff and Respondent.

Andrea G. (mother) appeals the juvenile court's jurisdictional finding under Welfare and Institutions Code¹ section 300, subdivision (c) that she failed to protect Joey C. from father's emotional abuse. Because mother does not challenge the juvenile court's other jurisdictional findings, Joey C. will remain a dependent of the juvenile court and there will be no effect on the proceedings below regardless of the outcome of this appeal.² We therefore affirm the order.

BACKGROUND

The family consists of mother, father, 13-year-old Joey C., and two toddlers.

The Los Angeles County Department of Children and Family Services (DCFS) has a long history with the family, beginning in 2013 when a section 300 petition was sustained involving Joey C. and mother's unresolved drug abuse. Rather than recounting this extensive history, we limit our recitation of the facts to those that are relevant to the jurisdictional finding that mother challenges.

¹ All further statutory references are to the Welfare and Institutions Code.

² Although the notice of appeal indicates that mother's other two children are also subjects of this appeal, mother's briefing only challenges the jurisdictional finding with respect to Joey C.

In June 2019, DCFS filed a section 300 petition under subdivision (b)(1) on behalf of the three children, alleging that the youngest child was born with a positive toxicology for opiates and that mother had a history of substance abuse and that father failed to protect the children from mother's substance abuse.

The juvenile court held a detention hearing and found a prima facie case for detaining Joey C. and his siblings from the parents. The juvenile court placed him with a relative under DCFS supervision. Mother received monitored visits two to three times per week in a neutral setting. At the jurisdiction hearing, the juvenile court removed Joey C. from mother and, over DCFS's objection, ordered him placed in the home of father on the condition that mother no longer reside in the home. Mother's visitation remained the same. She was not to visit father's home and father was not to monitor mother's visits. The juvenile court ordered father to participate in classes for family members of drug addicts, parenting classes, and individual counseling.

In October 2019, DCFS learned that father was allowing mother to stay in the home on weekends. A month later, DCFS received a report that father was abusing alcohol, that there was no food in the home, and that Joey C. was left alone to care for his siblings. Joey C. had been hospitalized for self-cutting, suicidal behavior, and had been diagnosed with post-traumatic stress disorder due to stressors inside the home. After the hospitalization, father told Joey C., "bad things" such as "what he did was crap" and that "only crazy people go there." Joey C. was scared to express himself because, whenever he said something, father became furious, insulted Joey C., and blamed him for everything. A psychiatrist prescribed psychotropic medication to address Joey C.'s ongoing mental health issues. Father refused

to fill the prescription because he did not think that Joey C. had a mental health condition, but merely wanted attention. Joey C. admitted to a social worker that he was experiencing suicidal thoughts, but fearing hospitalization and disappointing his father, he did not want to say anything.

In December 2019, DCFS received another referral, alleging that father had again allowed mother to have unmonitored contact with the children. Joey C. stated that, during one of mother's visits, father hit mother and that Joey C. was having anxiety attacks about twice per week. Father told Joey C. not to tell anyone what was occurring in the home and instructed him not to share his feelings or any mental health concerns with anyone. Joey C. felt threatened by father and was concerned that he would withhold affection if Joey C. shared his problems with others. At the time, Joey C. was having continuous unmonitored in person and telephonic contact with mother about once per week.

In January 2020, DCFS received another referral alleging that Joey C. had showed up to a therapy session with "fresh cut marks" on his "hands and arms." There had been another domestic violence incident during which parents locked themselves in the bathroom at father's home. Joey C. heard "banging" and his sister started to cry and tried to get into the bathroom. When parents came out, father grabbed mother's arm and face and told Joey C., "You see this family has problems." Parents instructed Joey C. not to say anything to DCFS about the incident. After witnessing this, Joey C. cut his arms and hands with a plastic knife.

DCFS filed a section 387 petition and a section 342 subsequent petition. The section 387 petition asked for a more

restrictive placement because father failed to comply with juvenile court orders, allowed mother to have unlimited access to the children, and failed to participate in classes for family members of drug addicts, parenting classes, and individual counseling. The section 342 petition consisted of allegations of the parents' violent altercations, father's alcohol abuse, and his emotional abuse and medical neglect of Joey C. The allegations also included mother's failure to protect the children from the parents' violent conduct, from father's substance and alcohol abuse, and from father's ongoing emotional abuse of Joey C.

The juvenile court sustained the allegations that parents engaged in violent altercations in the presence of the children and that mother failed to protect the children by allowing them to reside in father's home and giving father unlimited access to them. Further, the juvenile court sustained the allegations that father had a history of and was a current abuser of alcohol, rendering him incapable of providing regular care for the children and that, despite mother's knowledge of father's substance abuse, she failed to protect the children. Lastly, the juvenile court sustained the allegations that Joey C. was involuntarily hospitalized due to his mental and emotional problems, that father failed to administer Joey C.'s medication, and that father emotionally abused him while mother failed to protect him from said emotional abuse.

At the disposition hearing, the juvenile court declared the children dependents and removed them from parents' custody. It ordered family reunification services for mother and father. Mother appealed, challenging the juvenile court's finding that she failed to protect Joey C. from father's emotional abuse.

DISCUSSION

Mother raises a single challenge to the juvenile court's jurisdictional findings under section 300, subdivision (c), specifically, whether substantial evidence supports its finding that she failed to protect Joey C. from father's emotional abuse.

In cases where multiple grounds for dependency jurisdiction are alleged, we may affirm the juvenile court's jurisdictional findings if any one of the alleged statutory bases for jurisdiction is supported by substantial evidence. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451–452.) However, we will exercise our discretion and reach the merits of a challenge to any jurisdictional finding when the finding: (1) serves as the basis for dispositional orders that are also challenged on appeal; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings; or (3) could have other consequences for the appellant beyond jurisdiction. (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763.)

Mother does not challenge the juvenile court's findings under section 300, subdivisions (a) and (b) that she failed to protect the children, including Joey C., from father's violent conduct and his alcohol abuse. Rather, mother only challenges the jurisdictional finding under subdivision (c) that she failed to protect Joey C. from father's emotional abuse. Mother claims that an adverse finding of emotional abuse under section 300, subdivision (c) is sufficiently serious such that it could potentially impact future dependency proceedings and have consequences far beyond jurisdiction. However, beyond mother's general assertion that an emotional abuse finding is serious, she has not identified any potential consequences beyond jurisdiction or in future dependency proceedings that might result from that finding. We

find this position confounding as section 300 provides the juvenile court with authority to assume jurisdiction over a child for a variety of grounds, all of which are serious.

Mother relies on *In re D.P.* (2015) 237 Cal.App.4th 911, 917 to support her justiciability argument. There, the court exercised its discretion to consider the merits of appellant's claim that the juvenile court erred in sustaining allegations that she created a substantial risk of future emotional harm by choosing to remain with the child's father despite a history of domestic violence that had resulted in physical injury to a child. The reviewing court agreed with appellant that the adverse finding under section 300, subdivision (c) "could potentially affect future dependency proceedings." (*In re D.P.*, at p. 917.)

We do not find *In re D.P.* persuasive. The reviewing court never identified how the sustained allegation under section 300, subdivision (c) could affect future dependency proceedings. Rather, it makes a conclusory statement that the sustained allegation could potentially affect future dependency proceedings and then turns to the merits of the appeal, ultimately, affirming the juvenile court's findings. In the absence of reasoning that can be applied here, *In re D.P.* does not assist mother's position. Moreover, the record is replete with evidence that supports each of the juvenile court's findings under section 300, subdivisions (a) and (b) that parents engaged in domestic violence in the presence of the children, creating a substantial risk of harm to Joey C. Further, the evidence is sufficient to support the juvenile court's finding that mother failed to protect Joey C. from father's physical and substance abuse. Mother has not articulated how the juvenile court's finding under section 300, subdivision (c) will prejudice her or create consequences for her beyond jurisdiction.

Therefore, mother's appeal presents no genuine challenge to jurisdiction over Joey C. and will not alter her status as an offending parent.

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED.

DHANIDINA, J.

We concur:

EDMON, P. J.

EGERTON, J.